

Frankfort/Franklin County
Planning Commission

5:30 P.M.
June 12, 2008

Mr. Keith Lee, Chairman

Chairman Keith Lee called the meeting to order.
Recording Secretary Dianna Rogers called the roll.

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| Members Present: | Sherron Jackson | |
| | Patti Cross | |
| | Charles Booe | |
| | Charles Stewart | |
| | Annie Metcalf | |
| | Dwayne Cook | |
| | Joe Sanderson | |
| | Erika Hancock | |
| | Keith Lee | (9) |
| Members Absent: | Brent Sweger | |
| | Darrell Sanderson | (2) |

There being a quorum, the meeting proceeded

A motion was made by Joe Sanderson to approve the minutes of the meeting of May 8, 2008. The motion was seconded by Sherron Jackson and carried unanimously.

A motion was made by Joe Sanderson to approve the following bills for payment:

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| Dawn McDonald (BZA/May 6 2008) | \$ 150.00 |
| Dianna Rogers (PC/May 8, 2008) | 300.00 |
| Edwin Logan (PC/May 8 – \$900) | |
| Edwin Logan (BZA/May 6 - \$600) | 1,500.00 |
| Logan /Gaines (John/Mary Rogers) | 420.00 |
| Dolbey/Co (tapes) | 53.00 |
| State Journal (Advertising) | 373.24 |
| Entran | 4,700.00 |

The motion was seconded by Mr. Jackson and carried unanimously.

There were no reports of officers, special select committees or special orders.

Under standing committees, Mr. Jackson stated the Comprehensive Plan Update Committee would be meeting on July 19 at 5:30 P.M. at KSU in the Cooperative Extension Building.

Under staff items, Chairman Lee stated items 2 of new business (James Keith – setback- 1014 Arapaho) met requirements for a consent agenda. There was no one in the audience to speak in favor or in opposition to the request. A motion was made by Mr. Jackson to establish a consent agenda and approve the consent agenda. The motion was seconded by Joe Sanderson and carried unanimously.

Also under staff items, Chairman Lee accepted the nominations for the JLUS committee that were presented at the last meeting.

It is noted that application fees would be discussed at the end of the meeting.

The next item of business was a continuation of a public hearing request from Mary Belle Dailey for approval of a zone map amendment from Rural Residential District (RR) to Industrial Commercial District (IC) for a 1.864 acre tract of property located at 4241 US Highway 127 South in Franklin County, Kentucky. The property is more specifically described as Property Valuation Administrator map ID #052-00-00-010.00.

Mr. Dwayne Cook stated he would not be participating on this item. Mr. Robert Hewitt, County Planning Director, passed out a Land Use Restriction from the applicant. A motion was made by Joe Sanderson to take the item from the table. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Sanderson to establish the finding of fact the Comprehensive Plan states flexibility should be given when special circumstances are presented and where the proposed development will not have an adverse effect on the surrounding uses. The special circumstance is that the family farm needs to be divided to accommodate moving a family business that already exists to another portion of the farm. Mr. Sanderson stated there would be no adverse effect as there was no opposition, the property is less than two acres and the topography hides this area of the farm. The motion was seconded by Mr. Jackson. Those voting in favor of the motion: Mr. Jackson, Ms. Cross, Mr.

Booe, Mr. Sanderson, Mr. Hancock, Mr. Lee. Voting against the motion was Ms. Metcalf and Mr. Stewart. The motion carried 6-2.

A motion was made by Mr. Sanderson to establish the finding of fact that there have been changes in the area, not industrial but commercial, and cited BP, Marathon and Turning Leaf Nursery. The motion was seconded by Mr. Booe. Those voting in favor: Mr. Jackson, Ms. Cross, Mr. Booe, Ms. Metcalf, Mr. Sanderson, Ms. Hancock. Those voting against were: Mr. Stewart and Mr. Lee. The motion carried 6-2.

A motion was made by Mr. Sanderson to establish the finding of fact that there are other industrial zoned properties in the vicinity, such as Frankfort Habilitation and Morton Buildings. The motion was seconded by Mr. Booe. Voting in favor was Mr. Sanderson. Voting in opposition as Mr. Jackson, Ms. Cross, Mr. Stewart, Ms. Metcalf, Ms. Hancock and Mr. Lee. Mr. Booe abstained. The motion failed.

A motion was made by Mr. Booe to establish the finding of fact that growth in Frankfort/Franklin County will be responsibly designed, planned and managed to create a sustainable community that provided for a quality of lifestyle for all residents of Frankfort and Franklin County. The motion was seconded by Ms. Cross. Those voting in favor: Mr. Jackson, Ms. Cross, Mr. Sanderson, Ms. Hancock and Mr. Lee. Voting against the motion: Mr. Stewart and Ms. Metcalf. The motion carried 6-2.

A motion as made by Mr. Booe to establish the finding of fact that the comp plan, goal 2, is to preserve and reinforce the distinction between the urban and rural areas of Franklin County. He stated the applicant is currently engaged in a legal nonconforming use and wishes to become conforming and this preserves the nature of what is there today. The motion was seconded by Mr. Lee. Those voting in favor: Mr. Booe and Mr. Lee. Those voting against: Mr. Jackson, Ms. Cross, Mr. Stewart, Ms. Metcalf, Mr. Sanderson, Ms. Hancock.. The motion failed.

A motion was made by Ms. Metcalf to establish the finding of fact that the Comprehensive Plan, Future Land Use Plan, designates the property for Rural Activities. The motion was seconded by Mr. Sanderson. Those voting in favor: Mr. Jackson, Ms. Cross, Mr. Booe, Ms. Metcalf, Mr. Sanderson, Ms. Hancock, Mr. Lee. Voting against was Mr. Stewart. The motion carried.

A motion was made by Ms. Metcalf to establish the finding of fact that the Land Use Guidelines for the Rural Activities states “The primary land use in Rural Activity Areas should be agriculture, forestland, open space and some limited large residential land uses. The motion was seconded by Joe Sanderson and carried unanimously.

A motion was made by Annie Metcalf to establish the finding of fact that industrial zoning designations do not appear appropriate for the Rural Activities land use designations and the Comprehensive Plan, Future Land Use Plan, designates the property for Rural Activities. The motion was seconded by Mr. Stewart. Those voting in favor: Mr. Jackson, Mr. Stewart, Ms. Metcalf. Those voting against: Ms. Cross, Mr. Booe, Mr. Sanderson, Ms. Hancock, Mr. Lee. The motion failed.

A motion was made by Annie Metcalf to establish the finding of fact that the current location of the welding shop is legally non-conforming. Approval of the zone map amendment would leave the current shop location to be used for the same purpose per Section 12.04 of the Franklin County Zoning Ordinance. It would also give subsequent property owners the ability to seek approval through the BZA for “less non-conforming” uses even after the 6 month cessation period per the same above section of the ordinance. The motion was seconded by Mr. Stewart and carried unanimously.

A motion was made by Mr. Booe that there is an existing welding shop on the Dailey Farm property that is in operation on the Dailey Farm. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Booe to establish the finding that recognizing that our economic health is inextricably linked to the health of our environment and our citizens, we will provide for the economic health of the community by continuing to implement this plan and by providing an environment for quality jobs, supporting local business and promoting sustainable businesses and industries that have a low environmental impact. The motion was seconded by Mr. Sanderson. Those voting in favor: Mr. Jackson, Ms. Cross, Mr. Booe, Mr. Sanderson, Ms. Hancock, Mr. Lee. Voting against the motion: Mr. Stewart, Ms. Metcalf. The motion carried.

A motion was made by Mr. Booe to establish the finding that this property is on US Highway with trucks coming in and out and there is a need for interstate access and this is strategic to that. The motion failed due to a lack of second.

A motion was made by Joe Sanderson that findings of fact cease. The motion was seconded by Patti Cross and carried unanimously.

A motion was made by Mr. Sanderson to approve the request based on findings 1 and 2 and with all the land use restrictions submitted by the applicant and send a recommendation to Fiscal Court to approve the request. The motion was seconded by Mr. Booe. Those voting in favor: Mr. Jackson, Ms. Cross, Mr. Booe, Mr. Sanderson, Ms. Hancock, Mr. Lee. Those voting against the motion: Mr. Stewart and Ms. Metcalf. The motion carried by a vote of 6-2.

The next item of business was a continuation of a public hearing request from Mr. Charlie Jones, on behalf of M&W, LLC, for approval of a zone map amendment (County Multifamily District (RL) for a 29.08 acre tract for property located at 8000 John Davis Drive being the rear portion of the Parkside Development off of US 60/Versailles Road, more specifically described as PVA parcel ID #086-00-00-021.00.

A motion was made by Mr. Jackson to remove the item from the table. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Jackson to approve the summary. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Jackson to establish the staff report findings 1 through 7 as findings of fact. The motion was seconded by Joe Sanderson and carried unanimously.

A motion was made by Mr. Jackson that findings cease. The motion was seconded by Joe Sanderson and carried unanimously.

A motion was made by Mr. Jackson that based on the findings of fact the Planning Commission recommend approval to the City Commission and the

zone change be approved. The motion was seconded by Ms. Cross and carried unanimously.

The next item of business was a public hearing from the Estate of Stewart Miller-Teresa Lewis, Executrix for approval of a zone map amendment from Rural Residential District (RR) to Highway Commercial District (CH) for a 3.5 acre portion of property located at 1437 Louisville Road in Franklin County, Kentucky.

The Secretary called the item and swore in all wishing to speak regarding this matter.

Mr. Jonathon Otis was present on behalf of the applicant. He stated changes have occurred in the area. He added the current map divided the property leaving a small area of RR and based on ½ acre lots there is room for only two house. Mr. Otis stated they were in agreement with the staff report.

Mr. Robert Hewitt, County Planning Director, was present and was qualified by Edwin Logan. Mr. Logan requested the staff report be entered into the record. He added the traffic study has been revised to satisfaction

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Jackson to close the public hearing and the staff report be accepted as summary and action taken tonight. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Jackson to adopt staff findings 1 though 5 as findings of fact. The motion was seconded by Joe Sanderson and carried unanimously.

A motion was made by Mr. Jackson to adopt the finding that the request is in compliance with the Comprehensive Plan. The motion was seconded by Mr. Sanderson and carried unanimously.

A motion was made by Ms. Metcalf to establish the finding that public facilities are readily available. The motion was seconded by Joe Sanderson and carried unanimously.

A motion was made by Dwayne Cook that findings cease. The motion was seconded by Joe Sanderson and carried unanimously.

A motion was made by Mr. Jackson that the Planning Commission recommend approval to Fiscal Court based on findings 1 through 7. The motion was seconded by Joe Sanderson and carried unanimously.

The final item of discussion was Planning Commission application fees. Chairman Lee stated they looked at fees of surrounding Counties. Mr. Gary Muller, City Planning Director, stated Bluegrass ADD provided the fees from the surrounding counties. He added it had been over two years since fees had been looked at. He stated the two primary changes dealt with development plans and cell tower fees. He stated the fee was the same currently for development plan no matter how large.

A motion was made by Joe Sanderson that the submitted fees be approved and that BZA, CEB, ARB and Planning Commission Board members receive a \$25.00 a month increase. The fees and board payment increases would take effect July 1, 2008. The motion was seconded by Mr. Booe and carried unanimously.

A motion was made by Mr. Sanderson to adjourn. The motion was seconded by Ms. Cross and carried unanimously.

Chairman Keith Lee

Recording Secretary
Dianna G. Rogers

